

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

AF TRUCKING INC d/b/a AF TRUCKING and YIDA FALKOWITZ

DEFENDANTS

BUSINESS FINANCIAL SERVICES, INC. d/b/a BFS CAPITAL and AXOS BANK

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

LEVENSON LAW GROUP
9 North Mill Street, Nyack, NY 10960
(347) 352-2470

ATTORNEYS (IF KNOWN)

LUPKIN PLLC
80 Broad Street, Suite 1301, New York, NY 10004
(646) 367-2771

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Declaratory judgment action. 28 U.S. Code §1332.

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM	
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 1423 WITHDRAWAL	[] 400 STATE	REAPPORTIONMENT
[x] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST	
[] 150 INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	PROPERTY RIGHTS		[] 430 BANKS & BANKING	
OVERPAYMENT &	EMPLOYERS' LIABILITY	INJURY PRODUCT	[] 820 COPYRIGHTS		[] 450 COMMERCE	
ENFORCEMENT	[] 330 FEDERAL	LIABILITY	[] 830 PATENT		[] 460 DEPORTATION	
OF JUDGMENT	EMPLOYERS' LIABILITY	[] 340 MARINE	[] 370 OTHER FRAUD	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[] 470 RACKETEER INFLUENCED & CORRUPT	ORGANIZATION ACT (RICO)
MEDICARE ACT	[] 345 MARINE PRODUCT	[] 345 MARINE PRODUCT	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT	
RECOVERY OF	LIABILITY	[] 350 MOTOR VEHICLE			[] 490 CABLE/SATELLITE TV	
DEFALTED	[] 355 MOTOR VEHICLE	[] 355 MOTOR VEHICLE		SOCIAL SECURITY		
STUDENT LOANS (EXCL VETERANS)	PRODUCT LIABILITY	PRODUCT LIABILITY				
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR		[] 850 SECURITIES/	
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR		COMMODITIES/	
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT		EXCHANGE	
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT		[] 861 HIA (1305ff)	
[] 160 STOCKHOLDERS			RELATIONS		[] 862 BLACK LUNG (923)	
SUITS		PARTICIPANT PETITIONS	[] 740 RAILWAY LABOR ACT		[] 863 DIWC/DIWV (405(g))	
[] 190 OTHER		[] 463 ALIEN DETAINEE	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	[] 870 TAXES (U.S. Plaintiff or	
CONTRACT		[] 510 MOTIONS TO	LEAVE ACT (FMLA)		Defendant)	
CONTRACT		VACATE SENTENCE	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 880 OTHER STATUTORY	ACTIONS
PRODUCT		28 USC 2255	LITIGATION	26 USC 7609	[] 891 AGRICULTURAL ACTS	
LIABILITY	CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 791 EMPL RET INC			
[] 196 FRANCHISE		[] 535 DEATH PENALTY	SECURITY ACT (ERISA)		[] 893 ENVIRONMENTAL	MATTERS
		[] 540 MANDAMUS & OTHER			[] 895 FREEDOM OF	INFORMATION ACT
	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				[] 896 ARBITRATION	
REAL PROPERTY			IMMIGRATION		[] 899 ADMINISTRATIVE	
[] 210 LAND	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR	
CONDEMNATION	[] 442 EMPLOYMENT		APPLICATION		APPEAL OF AGENCY DECISION	
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION		[] 950 CONSTITUTIONALITY OF	
[] 230 RENT LEASE & EJECTMENT	ACCOMMODATIONS	[] 445 AMERICANS WITH	CONDITIONS		STATE STATUTES	
[] 240 TORTS TO LAND		DISABILITIES -	[] 555 PRISON CONDITION			
[] 245 TORT PRODUCT		EMPLOYMENT	[] 560 CIVIL DETAINEE			
LIABILITY			CONDITIONS OF CONFINEMENT			
[] 290 ALL OTHER		AMERICANS WITH				
REAL PROPERTY		DISABILITIES - OTHER				

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|--|--|--|---|--|---|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input checked="" type="checkbox"/> a. all parties represented | | | | | | |
| <input type="checkbox"/> b. At least one party is pro se. | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

BASIS OF JURISDICTION**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> DEF <input type="checkbox"/>	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> DEF <input checked="" type="checkbox"/>	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> DEF <input checked="" type="checkbox"/>
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 1	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input checked="" type="checkbox"/> 4 <input type="checkbox"/> 1	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 1

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

AF TRUCKING, INC. d/b/a AF TRUCKING: 3 Volova Road, Unit 302, Monroe, Orange County, NY 10950

YIDA FALKOWITZ: 3 Volova Road, Unit 302, Monroe, Orange County, NY 10950

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

BUSINESS FINANCIAL SERVICES, INC. d/b/a BFS CAPITAL: 3301 North University Drive, 3rd Floor, Coral Springs, Broward County, FL 33065

AXOS BANK: 4350 La Jolla Village Drive, Suite 140, San Diego, San Diego County, CA 92122

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

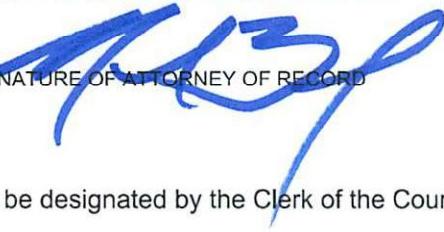
I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 8/30/19

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

 YES (DATE ADMITTED Mo. July Yr. 2001)

Attorney Bar Code # MS3281

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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